

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6478

BILL NUMBER: HB 1001

DATE PREPARED: Nov 20, 2001

BILL AMENDED:

SUBJECT: Terrorism.

FISCAL ANALYST: Karen Firestone

PHONE NUMBER: 317-234-2106

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a person who uses the identity of another person with the intent to commit terrorism or obtain a weapon of mass destruction commits terroristic deception, a Class C felony and that a person who commits money laundering with the intent to further terrorism commits a Class C felony. It provides that a person who possesses a weapon of mass destruction with the intent to carry out terrorism commits terrorism. The bill makes it a Class C felony if a person disseminates a substance with the intent to cause a reasonable person to believe that the substance is a weapon of mass destruction and provides enhanced penalties if dissemination of the substance results in diagnostic testing, medical treatment, or serious bodily injury.

Effective Date: July 1, 2002.

Explanation of State Expenditures: Under the bill, a person using the identity of another with the intent to commit terrorism or obtain or transport a weapon of mass destruction would commit terroristic deception, a Class C felony. Additionally, the bill would expand the definition of money laundering to include money laundering to commit or promote an act of terrorism, or obtain or transport a weapon of mass destruction and make this offense a Class C felony. The penalty would be enhanced to a Class B felony if the value of the proceeds was more than \$50,000.

Under current law, a person who manufactures, places, disseminates, or detonates a weapon of mass destruction to carry out terrorism, commits terrorism, a Class B felony. For a crime involving a weapon of mass destruction with the intent to damage crops or livestock, possession would be added to the definition of the crime.

The crime of terroristic mischief, a Class C felony, would be established by the bill. Terroristic mischief occurs when an offender places or disseminates a device or substance that would cause the reasonable person to believe that it is a weapon of mass destruction. The crime would be enhanced to a Class B felony if, as

a result of the act, a physician prescribes a diagnostic test or medical treatment, or a person suffers serious bodily harm.

A Class C felony is punishable by a prison term ranging from two to eight years, and a Class B felony is punishable by a prison term ranging from six to 20 years, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years and for all Class B felony offenders is approximately 3.7 years.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C felony or a Class B felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.